

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE FUWEI FILMS SECURITIES : Case no. 07-CV-9416 (RJS)  
LITIGATION :  
: CLASS ACTION  
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: ECF Case  
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**UNOPPOSED MOTION FOR PRELIMINARY APPROVAL  
OF CLASS ACTION SETTLEMENT**

In connection with the Court’s hearing on a date and at a time designated by the Court, pursuant to Rule 23 of the Federal Rules of Civil Procedure, Lead Plaintiff Nijat Tonyaz, (“Lead Plaintiff”), through his attorneys, The Rosen Law Firm, P.A., respectfully moves this Court for an Order:

- (a) Preliminarily certifying the Class for the purposes of settlement;
- (b) Preliminarily approving the terms of the settlement set forth in the attached Stipulation and Agreement of Settlement dated September 16, 2010 (the “Stipulation”) entered into by the parties;
- (c) Establishing a date for a hearing to determine the fairness, reasonableness, and adequacy of the settlement set forth in the Stipulation; and
- (d) Providing for notice to Class Members of the hearing on the proposed settlement and dismissal of the Action.

The Stipulation is intended to fully and finally settle the instant class action, upon submission to stockholders and final Court approval. The purpose of this motion is to obtain preliminary court approval of the Stipulation and the form of notice of the proposed settlement to be disseminated to Class Members. The terms of the settlement are set forth in full in the

Stipulation, which together with each of the exhibits to which it refers, is presented contemporaneously with this motion. Preliminary approval of the settlement, and the submission of the settlement to the Class Members, are warranted because the “proposed settlement is fair, reasonable, and adequate,” and “the interests of the class are better served by the settlement than by further litigation.” *Manual for Complex Litigation, Fourth* § 21.61 at 309 (2004).

All parties to the Settlement (the “Settling Parties”) have agreed to the Stipulation and the exhibits thereto, and all Settling Parties have consented to this motion. There are no legal or factual issues in dispute. All Settling Parties have agreed that a Class, as described in the Stipulation, should be certified for purposes of this settlement.

The Settling Parties respectfully request that the Court set the date for hearing on final approval of the proposed Settlement at least one hundred (100) days from the date of entry of the Proposed Order for Preliminary Approval of the Settlement and Providing for Notice to the Class. (*See* ¶ 4 of the Proposed Order for Preliminary Approval of the Settlement and Providing for Notice to the Class, attached as Exhibit A to the Stipulation.) This will provide the Settling Parties sufficient time to give notice of the settlement to Class Members, to process any potential objections and opt-outs, and to fully prepare for the hearing on final approval of the proposed settlement.

Dated: September 16, 2010

Respectfully submitted,

THE ROSEN LAW FIRM, P.A.

/s/ Timothy W. Brown, Esq.

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**THE ROSEN LAW FIRM, P.A.**

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Lead Plaintiff's Counsel

**CERTIFICATE OF SERVICE**

I hereby certify that on this on the 16<sup>th</sup> day of September 2010, a true and correct copy of the foregoing document was served by CM/ECF to the parties registered to the Court's CM/ECF system.

/s/ Timothy W. Brown